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Also present is Jay Grande, Planning Administrator and Carol Pontremoli, Administrative Assistant.

I. Misc. Administrative

Tabled until next week same time due to a notice not being posted on the property.

This plan has already been endorsed. Peter Barbieri, attorney presented information noting the Land Court wanted to show another lot (Lot 4). The land court engineering noted that is not how they wanted it but they wanted it to be a dashed line which would extend the lot. The only change is to take out the reference of Lot 4.

Voted 5 in favor, 0 opposed

Jay sent an e-mail to the Board Member's today but warned the Town's e-mail system has been troublesome and he hopes everyone received this information.

Helen suggested to the Board and the audience, to please be courteous and would hope and expect that everyone acts in a professional way.

1
2 Jay prepared a report and will give a synopsis of this subdivision.
3 June, 2002 the Board heard reports of problems with the subdivision. Jay sent a letter
4 asking Mr. Kotsiopoulos to stop work at this subdivision. Mr. Kotsiopoulos responded.
5 There were reports of illegal dumping and erosion. The Building Department took over.
6 In June, 2003 there were more complaints of erosion, silt fencing. On July 1 photographs
7 were sent to the Board which showed Mr. Kotsiopoulos had started doing work on the
8 subdivision. On August 4, 2003, more reports came of erosion. The board asked for an
9 81W.

10
11 Rob Gemma dropped off an analysis of hydraulics for tonight's meeting.
12 Jay would like to address two items. The first is regarding the silt. Also the Board will
13 need time to go over the analysis of the hydraulics. The other item needed to be
14 addressed is the item of time extension.

15
16 Helen asked if any of the Board Members had any further questions from Jay. She then
17 asked the audience.

18
19 Don Beers, 48 Carter Drive, Gerry Harding, Carter Drive, Attorney Mr. Michael Burkin
20 came to the microphone. Mr. Beers gave a PowerPoint presentation.

21 They are asking for regulations to be met, a storm water plan, and an independent design
22 review

23 They would like the Board to take action, regain control, and ensure responsible
24 development of the property. Mr. Beers cited Chapter 41 Section 81 W, Section VII
25 subsection C, paragraph 1; Section VII subsection C, paragraph 1;
26 Section VI, Subsection C, Paragraph 23 (part of the new requirement)

27
28 Larry thanked Don Beers for his excellent presentation. He also noted that this
29 subdivision has been problematic from the start, the contractor has been before this Board
30 many times for violations, the expenditure of time from all departments, and Larry does
31 not feel the Board should leave tonight without the ability to have a consultant in place
32 for an outside consultant to review this project.

33
34 Helen asked for document 996-03. Helen asked Rob Gemma to give his presentation.
35 Mr. Beer's asked for a Point of Order. He asked why is the presentation that was given
36 to the board tonight being presented at the last minute.

37
38 Helen feels this is information which could be considered as rebuttal to Mr. Beers
39 presentation. Carol feels the Board is taking in information and should hear from all
40 parties. Tom and Ann feel the same way.

41
42 Peter Barbieri, Attorney for the developer spoke. There are two other lots in the
43 subdivision for Camelot which was the original name back in 1987.
44 There is a difference in the property now than back in 1987. The regulations were
45 different then also. The planning board approved the plan at that time as shown.
46

1 There is no doubt that at this time the results would come out to a different outcome due
2 to the regulations changing through the years. This is an approved plan which does not
3 require a retention system.

4
5 Mr. Barbieri noted that the Board met in July or August, 2003 and further noted that Rob
6 Gemma filed reports referencing the town had known this would be a long term project.
7 The Board agreed with this project.

8
9 Rob Gemma spoke about the overall area of lot 7, 8, 9, and 10. He gave his presentation
10 by showing it on the plans. The site was heavily wooded but has been largely cleared
11 and graded. The site is producing more water than pre-development and will continue at
12 post-development when the site is done. He notes that development has taken two years
13 and the problems have manifested during time. Mr. Gemma noted that his analysis will
14 address most of the problems that Mr. Beers has sited. Again Mr. Gemma presented a
15 plan which was color-coded showing the approach the drainage will be taking when the
16 project is complete. Once the site is fully complete it should return very closely to
17 predevelopment. Mr. Gemma showed a table of an executive summary for treatment,
18 peak grades for runoff. He notes they look at a 25 year storm. He shows the differences
19 between pre-construction and the post-construction condition. Mr. Gemma noted the
20 swail and "pit".

21
22 Carol Spack wondered if he did any analysis on project with one fewer lot
23 Mr. Gemma responded "no" and noted eliminating a lot could be a solution.

24
25 Ann Welles asked if from the back of the house forward toward Carter Drive would be
26 taken care of by the yellow colors which could represent the run-off. Ann also notes she
27 has made many visits and the site is a disaster and asked if this deals with impervious
28 surfaces. Mr. Gemma explained there would be a ground cover, it would be graded and
29 fill would be brought in.

30
31 Larry noted this is a positive step proposed tonight. Larry also noted that Mr. Gemma
32 referenced other properties in the area that are contributing to the drainage problems. He
33 also notes there is a long standing problem. Larry also wanted to ask about the wording
34 pre-construction and post-construction. This subdivision was approved back in 1987 and
35 asked if the abutters are to wait another sixteen years before the problems are corrected.

36
37 Mr. Gemma said he is comparing this by saying pre-construction is before the first
38 bulldozer came on the property.

39
40 Larry does feel the Planning Board would approve the project if there were any drainage
41 problems. Larry noted if there were a one inch rain storm then would it generate 70,000
42 gallons of water.

43
44 Mr. Gemma said a 25 year storm generates 100,000 gallons of water.
45

1 Ann Welles asked if in the pit was the only measure in place to control sedimentation.
2 Mr. Gemma said this would be the last resort. Ann commented that the Board has been
3 given many proposals that have not worked. She would like to have some real insurance
4 to have some facility in place to be able to revisit if this stays a problem.

5
6 Carol Spack asked on post control, what are the drainage systems for erosion?
7 Mr. Gemma mentioned it would be cleaned four times a year. A maintenance process
8 will be in place.

9
10 Tom Mahoney asked about the measures to satisfy of the EPA. What is the status of the
11 EPA? Has someone from the EPA gone to the site? Mr. Gemma noted the EPA was
12 called and they expect to have a permit out within two weeks. He also notes rates for
13 different storms.

14
15 Carol Spack asked what the estimate is for the interim period. Mr. Barbieri noted he has
16 not seen the plan. He feels that some of the work will start in the fall. He notes a limited
17 timeframe and would like to wait until next spring due to the weather change as winter is
18 approaching.

19
20 Helen asked Mr. Beers to respond. Mr. Beers has a wet lot and notes specifically the
21 water that goes from Jerry's lot to Mr. Beers and not water from lot 7.

22
23 Ann asked Peter Barbieri if the permit does not come forward, what you will do.
24 Mr. Barbieri noted this was all part of the Doeskin sub division going back to the 1970's
25 and 1980's.

26
27 Rob Gemma noted regarding the NPDS permit – the whole process is an administrative
28 process. There are no plans included just a one page form that is sent to the government
29 and a permit is issued.

30
31 Helen asked for comments from the abutters.

32
33 Gerald Harding 46 Carter Drive
34 He is suffering from severe erosion. He showed an area where the land was all rock.
35 Now with the fill there is silt running off and the water is running into the swail.
36 Hundreds of truck loads of rock were removed and the area is a collection funnel and is
37 going to wash away his property. He has taken pictures which he has sent to Jay. He is
38 looking for a solution to the erosion of his property.

39
40 Carl Gooden, 50 Carter Drive
41 Moved in 1980's. He used to have a finished basement. He never had water until this
42 project has started. Please keep in mind the problem of ground water. He is # 50 next to
43 Mr. Beers. He is located on the right.

44
45
46 John Bertorelli, Director of Engineering.

1 No question there is a problem and he suggests that all parties should consider a no-cut
2 zone. Nothing can replace what nature provides.

3
4 Steve Orr, Precinct 1 - has several points he would like to cover. One question is
5 whether or not the culvert is capable of handling the water? He would like to go back to
6 Mr. Gooden's wet basement. Mr. Beers has drilled a new well. The old one has five to
7 six feet of water from one rain storm which produced such pressure that the water was
8 spraying out the well. He notes recharge is not enough. It looks to him that there is not
9 going to be a lot of water going to the recharge but to Jerry's way. He noted that they
10 have had snow and with the ground still be frozen, he feel's this needs to be part of the
11 analogy.

12
13 Sue Bernstein stated that, from a real estate stand point the developer will not be building
14 for two years. She would like to see that an immediate solution be put in place to support
15 minimal damage. The difficulty is keeping up the maintenance.

16
17 Robert O'Neil, 46 Gray Street
18 He suggests that the area should have woody trees planted. At the low point could a
19 catch basin be placed?

20
21 John Bertorelli said there are no easements to run drainage from the back lot lines to the
22 existing drain system.

23
24 Debbie Blummer met with Jay and Town Engineer regarding the state law. There were
25 some changes in regulations that could be changed regarding the cutting of trees. Mrs.
26 Blummer met with the neighbors in the spring and is very concerned with the problems
27 the Board has had with the developer and asks that the Board request he make a payment.

28
29 Norma Schulman, Precinct 3 - her interest is as a town meeting member only. She saw
30 the erosion and feels it is very dramatic and the plantings are in danger. There is obvious
31 damage to indoors as well as outdoors. Regarding a no-cut agreement, the slope is made
32 up of dumped rocks and she can't image much growing there. She asked what is going to
33 put down good roots if the fills washes away. The proposed plan to funnel water to the
34 street would be above the edge and would need fill. How much further up is the slope
35 going to be?

36
37 Helen notes there will be a time for review by the Engineer and maybe an outside
38 consultant. She wants to bring the conversation back to the board and answer the
39 questions that both Jay and Larry asked.

40
41
42 Michael Burkin, Attorney for Mr. Harding and Mr. Beers.
43 He doesn't feel there is a legal right that water should be dumped on abutters. It can be
44 remedied and it comes down to money. The fill has exacerbated the problem.

1 Is there some situation where the developer should have more chances? During the
2 construction process, the abutter's legal rights should be protected. He would like the
3 Board Members to step up and protect them.

4
5 Larry would like to cut to the chase and ask the developer to pay for an outside
6 consultant.

7
8 Peter Barbieri mentioned there are two items to address tonight.
9 His client will agree to fund the scope of work that includes a consultant. He doesn't
10 remember seeing a proposal but feels this could run about \$3,000 or \$4,000. The
11 developer would be willing to work to do some improvements before the onset of winter.

12
13 Larry suggested that a continuation should not be a problem.

14 Peter would request a one-year extension.

15 Jay noted that Town Counsel would be interested in the wording.

16 Peter has concluded the language could be worked out and if it goes out more than a year
17 there would be a bond in place and retain the rights under the hearing to continue

18
19 **Larry made a motion for the Board to give it's consensus to a one year extension**
20 **which would be November 4th and keep the hearing open until an agreement can be**
21 **reached and the wording with Town Counsel.**

22 **Carol Spack seconded.**

23 **Voted 5 approved and 0 oppose**

24
25 Jay needs to follow the procedure for a bond which takes time. He needs to get the
26 proposals, and then go before the departments.

27
28 Mr. Beers asked for clarification about releasing of lots.

29
30 Carol Spack asked Jay if he feels what other problems he sees and what if other areas of
31 expertise are needed.

32
33 Peter Barbieri wanted to know what other consultants would be needed?

34 He would hope that one consultant would be sufficient.

35 He has two issues to get the consultant as quickly as possible. The other issue is the
36 extension and notes the completion date is November 1, 2003.

37
38 **Ann moved to make a motion for two weeks extension and to also allow Town**
39 **Counsel to put together the terminology.**

40 **Tom seconded**

41 **Voted 5 approve and 0 oppose.**

42
43 Mr. Harding noted that no one has commented on the water running through his property
44 and he hopes the person addresses more than the top of the hill but also the bottom of the
45 hill. Mr. Harding notes he has his own gauge and the erosion is damaging his property
46 and he sees this continuing.

1
2 Chris Petrini, Town Counsel suggested we are not held with the dollar amount quoted by
3 Mr. Barbieri of \$3,000 or \$4,000.
4

5 Kathie McCarthy, Precinct 10
6 Came to support the people with drainage problems and their issues. The problem is with
7 the scope of this project and drainage and she hopes in the review of this the Board takes
8 into consideration where this drainage will go from time to come. They may not know
9 what is ahead of them long term.
10

11 Helen asked Jay for the scope of the time this should be continued?
12

13 **Larry made a motion to extend the Covenant subject to the language discussed with**
14 **Town Counsel until November 1, 2004.**

15 **Ann seconded the motion**

16 **Voted 5 approve 0 oppose**
17

18 Continued to November 25th at 8:00 pm
19
20

21 **Lowe's Theater Site Review of Development Plan at 10:30 pm**

22 In attendance are Paul Galvani and Sarkie Sarkesian

23 Neighbors and co-signers of the Golden Triangle.

24 Paul represents Bill Baker who is under agreement to purchase the site called the
25 Shoppers World Promenade.
26

27 Mr. Baker worked with Lens Crafters and Firestone. Firestone decided not to
28 be included. Lens Crafters has two curb cuts and Firestone has three or five curb cuts.
29 Proposal would include the building at the existing site. Unit A Circuit City moving and
30 looking for new exposure. The other tenant is La-Z-Boy. He continues to go over the
31 layout of the buildings, sidewalks, entrances and exits for Route 9. Lenscrafter was a
32 stand alone site and now will be an integrated site. Sarkie showed potential access points
33 to the Crowne Plaza, Firestone and the Shopping Center.
34

35 Sarkie showed the traffic issues. Pedestrians will be able to go from Mercer Road and
36 walk on a sidewalk through to Route 9. Main issue is traffic and the developer maintains
37 the landscaping for Lenscrafter. The major issue is the exclusive left turn. They want to
38 put street trees along the strip.
39

40 Another major point is they asked the applicant to fund the property to build a road
41 system that would cut through the back of the parking lot for emergency vehicles only.
42

43 Sarkis had a traffic engineer from Beta Engineering that worked with them.
44

45 Helen asked if there are any questions.

1 Carol Spack wanted to know the time frame? Sarkis noted there is a four weeks permit
2 process.

3
4 Sue Bernstein asked about a landscaping and the façade of the building.
5 Is there any reason why the driveway connection to the west can't be made now? Sarkis
6 will go to Firestone and ask if they would like to be connected with this lot.
7 What about the lighting? Can it be black?

8
9 Larry asked about the adjustment and timing of the lights – the cost a few years ago was
10 \$50,000. Paul mentioned that Mass Highway only requested two lights.

11
12 Larry asked about mitigation? Sarkis said there is none.
13 Helen thanked Sarkis for the presentation.

14
15
16 **Larry made a Motion to adjourn**

17 **Carol Seconded**

18 **Voted 5 approve 0 oppose**

19
20 **Adjourned at 11:15 PM**

21
22
23 Respectfully submitted,

24
25 Carol Pontremoli
26 Recording Secretary

27
28 **These minutes were approved, with changes and or amendments, at the*
29 *Framingham Planning Board meeting of December 14, 2004*

30
31
32
33
34
35
36
37 _____
38 Thomas Mahoney, Chairman
39